IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4361 of 2007()

CRIME 31/07 OF SULTAN BATHERY EXCISE RANGE
AGAINST THE JUDGEMENT/ORDER IN BA.3863/2007 Dated 27/06/2007
BP.385/2007 of J.M.F.C.,SULTHANBATHERY

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PETITIONER/ACCUSED NO.1:

SIHABUDEEN, S/O. UNNIMOIDEEN,
PATHOOTHARA HOUSE, CHETTIYARAMMAL, WANDOOR P.O.,
MALAPPURAM DISTRICT.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT/STATE:

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1. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. EXCISE INSPECTOR,
SULTHAN BATHERY EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4361 of 2007

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Dated this the 19th day of July, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to transport 416 litres of spirit in a vehicle, which had a concealed contrivance to carry spirit. He was arrested and continues in custody from 31.5.2007. Investigation is not complete. The learned Prosecutor submits that the petitioner has no criminal antecedent at all.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not seriously oppose the said prayer on condition that the Investigator is given 60 days from the date of arrest to complete the investigation and I am satisfied that the petitioners can now be enlarged on bail subject to appropriate terms and conditions.

3. In the result:

1) This application is allowed.

2) The petitioners shall be released on bail on the following terms and conditions.

(a) The petitioner shall not be released from custody on the strength of this order prior to 31.7.2007. The police shall in the meantime make every endeavour to complete the investigation.

(b) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to be satisfaction of the learned Magistrate.

(c) He shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R. BASANT)
Judge

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